

### REMARKS

Claims 1, 5-15, and 18-22 are pending, including independent claims 1, 8, 10, 12, 14, 15, and 20-22.

All claims were rejected under 35 U.S.C. § 103(a) as obvious in view of the "Ebay Publication" and Fraser.

Regarding claim 1, the Examiner identified the Featured Auction option of the Ebay Publication as being relevant. Applicant submits, however, that the Ebay Publication does not disclose, inter alia, calculating an estimated selection revenue for an offering, as recited in the claim.

A selection occurs when a user selects an offering from a list of offerings and is referred, e.g., to an on-line vendor associated with the selected offering. Selecting an offering from the list does not mean that the user will purchase something, only that a referral has been made. In one implementation, an example of a selection can be a click-through. In turn, a selection revenue relates to the revenue to be received by the first (ranking) entity when such a selection has been made by a user.

The Ebay Publication does not disclose that Ebay is paid when a user selects or clicks on a Featured Auction listing. Rather, the fees for a Featured Auction listing are a combination of fixed fees (Insertion fee, Option fees) and a Final Value fee (e.g., based on the closing or highest bid). Therefore, the Ebay Publication does not describe or suggest a selection revenue, a selection likelihood, or ranking offerings based on estimated revenues that include selection revenues. Fraser also does not suggest these features.

To further clarify this distinction, Applicant has amended claim 1 to explain that a selection revenue is calculated using the selection likelihood (corresponding to the likelihood that the user will select the offering) and a fee to be paid to the first entity in the event the user selects the offering. Claim 1 has also been amended to expressly state that the estimated revenues, which are compared in order to rank the offerings,

include the selection revenues. Independent claims 8, 12, 14, 15, 20, and 22 (and relevant dependent claims) have been amended similarly.

Regarding claim 5, the Examiner asserts that the Ebay Publication describes calculating a purchase commission, and the claim does not recite that a purchase commission is part of the estimated revenue that is used to compare and rank offerings. Applicant has amended claim 5 to clarify that the estimated revenues which are compared to rank the offerings also include purchase commission revenues for the offerings. Applicant submits that the Ebay Publication and Fraser do not disclose comparing and ranking listings using purchase commission revenues in addition to selection revenues. Independent claims 10, 12, 14, 21 and 22 (and relevant dependent claims) have also been amended to recite that the estimated revenue includes a purchase commission revenue.

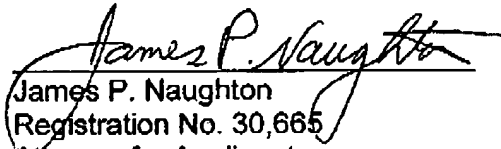
Moreover, independent claims 10, 12, 14, 21 and 22 (and relevant dependent claims) have been amended to clarify that a purchase commission revenue is calculated using the purchase likelihood (corresponding to the likelihood a user will purchase the offering) and a commission to be paid to the first entity when the user purchases the item offered in the offering. Applicant submits that this feature is not described or suggested in the Ebay Publication or Fraser.

Finally, Applicant believes the Examiner's argument in support of combining the references ("because determining the likelihood of a user's desire to purchase a product will allow the selling entity to more efficiently display items for purchase to the potential buyer") is conclusory and is not suggested in either of the cited references. To the contrary, the only source for this suggestion is Applicant's present application. Therefore, the combination of the cited references is not appropriate.

In summary, Applicant submits that the claims as presently amended are patentable over the cited references, and Applicant respectfully requests reconsideration and expedited allowance of this application. If the Examiner still believes the application is not in condition for allowance, he is requested to call

Applicant's undersigned attorney at 312-321-4723 to discuss any remaining issues.

Respectfully submitted,

  
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